

IN THE SUPREME COURT OF THE STATE OF MONTANA

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

No. DA 09-0556 and DA 09-0605

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DONNIE MACK SELLERS,

Defendant and Appellant.

FILED

JAN 04 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**NOTICE REGARDING APPELLANT'S *PRO SE* PETITION
TO REMOVE OFFICE OF THE STATE PUBLIC DEFENDER**

Undersigned counsel wishes to inform the Court that the Office of the Appellate Defender (OAD) is and has since December 22, 2009, been in the process of obtaining Defendant and Appellant Donnie Mack Sellers (Sellers) an attorney from outside of the Office of the State Public Defender (OSPD).

Contract counsel would be hired for the limited purpose of assisting Sellers with briefing his motion arguing that OAD counsel must be removed because OAD attorneys have a conflict of interest in handling an appeal raising ineffective assistance of counsel claims against another OSPD employee. Mr. Colin Stephens has been contracted to file such a motion on Sellers' behalf. The letter informing Sellers of OAD's decision to assign him outside counsel for the limited purpose of assisting him with this motion would not yet have reached Sellers at the time he

filed his *pro se* motion. Mr. Stephens will file a limited notice of appearance undertaking representation of Sellers in order to file an amended motion.

Respectfully submitted this 4th day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: 
for KOAN MERCER
Assistant Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Notice of Appearance to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

GEORGE H. CORN
Ravalli County Attorney
Courthouse
205 Bedford Street
Hamilton, MT 59840

DONNIE MACK SELLERS 2155657
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: 1/4/2010 Sarah Braden